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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/676,598	09/29/00	OPEROWSKY	H [BOC9-2000-0

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EXAMINER

TWEEL JR, J

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 05/08/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Handwritten signature

Office Action Summary

Application No.
09/676,598

Applicant(s)
Operowsky et al

Examiner
John Tweel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Sep 29, 2000

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-25 is/are pending in the application

4a) Of the above, claim(s) _____ is/are withdrawn from consideration

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-25 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on Sep 29, 2000 is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other: _____

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DETAILED ACTION

Drawings

1. The drawings are objected to because Figure 3 contains elements with no descriptive labels. Also, the arrow emanating from step 114 in Figure 4 appears to be going the wrong way. The arrow should be pointing to the “Start” step. Correction is required.

Specification

2. The abstract of the disclosure is objected to because the length of the Abstract is more than the maximum 250 words allowable. Also, line 10 requires a pluralization of the word “second” as more than one second is mentioned here. Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following informalities:
 - Page 3, Line 8: The phrase “every-changing perils” seems incorrect. Perhaps the word should be --ever--.
 - Page 5, Line 19: The word “system” should be plural to read --systems--.
 - Page 9, Line 19: The first word “mile” should be plural to read --miles--.
 - Page 14, Line 20: There is no opening paren --(-- to match the closing one in this line.Appropriate correction is required.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 11-15, and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yokoyama et al** [U.S. 5,343,399] in view of **Knoll et al** [U.S. 5,422,812].

For claim 1, the apparatus for providing information to the driver of a vehicle taught by **Yokoyama** includes the following claimed subject matter, as noted, 1) the claimed positioning device is met by the current position detector (No. 12) receiving inputs from sensors for GPS, Direction, distance and steering (Nos. 14, 16, 17, 19) which determines the location of a vehicle, 2) the claimed storage device is met by the map information storage (No. 10) including stored information about the location of a desired driver action such as the distance before a turn is to be made, and 3) the claimed comparator is met by the arithmetic control (No. 22) with its built-in route computer (No. 22) which compares the location of the vehicle with the stored information about the location of a turn and which provides an audible signal when the location of the vehicle is in a predetermined relationship to the location of the turn. However, although there is a display unit (No. 28) associated with the system, it is not a display on a windshield.

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The enroute vehicle guidance system with heads up display taught by **Knoll** includes similar subject matter as the primary invention, most notably a positioning and navigation system with simple route entry methods. As seen in Figures 1-7, simple turning directions are presented to the driver as well as vehicle speed and engine rpm. As stated in the specification (Col. 7, Lns. 26-31), the purpose of the heads up display is to enable the driver to recognize indicators, such as speed and traffic information even if his attention is directed to the traffic situation and without having to remove his eyes from the road. The need for adjustment of the eyes of the driver is eliminated to a large extent.

The reference taught by Yokoyama presents an ideal platform onto which a heads up display may be applied. The information needed to enable a display is already present to drive the display (No. 28) already present. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a heads-up display similar to Knoll into the primary reference for the purpose of enabling the driver to recognize simple driving directions without having to remove his eyes from the road.

For claim 2, the projector of **Knoll** is a heads up display.

For claim 3, both references provide audible indicators of a message in response to the direction signal.

For claim 4, the audible indicator of **Yokoyama** includes a speech synthesis system which provides an audible message.

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For claim 5, the speech synthesis system of **Yokoyama** provides an audible message which is based on the upcoming turn required by the driver.

For claim 6, as seen in the description of the **Yokoyama** system in relation to Figure 14, a first indicator is given at a first distance such as 300m from the desired location and a second indicator at a second, shorter distance such as 100m from the desired location is given.

For claim 11, the method of providing driving instructions taught by **Yokoyama** includes the following claimed subject matter, as noted, 1) the claimed sensing the position of the vehicle is achieved using the current position detector (No. 12), 2) the claimed comparing the position of the vehicle with a desired location is achieved using the arithmetic control (No. 20) with route computer (No. 22), 3) the claimed generating a signal is achieved using the display unit (No. 28) and speakers (No. 34) that indicates that a driver should turn if the vehicle is at a predetermined distance with respect to an upcoming turn. However, although there is a display unit (No. 28) associated with the system, it is not a display on a windshield.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 1 above.

For claim 12, the both references provide audible signals indicating the driver should turn at an upcoming location.

For claim 13, the system of **Knoll** presents the information on a windshield.

For claim 14, the system of **Yokoyama** includes several speakers (No. 34) to broadcast message thereon.

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For claim 15, Figure 3 of **Yokoyama** displays a distance to the next crossing.

For claim 19, the predetermined relationship of **Yokoyama** is distance to the upcoming turn.

For claim 20, the program stored on a storage medium for generating a displayed message to a driver taught by **Yokoyama** includes the following claimed subject matter, as noted, 1) the claimed program element for determining a message for display is contained within the route guiding unit (No 26) that determines what direction should be given at the next upcoming turn, 2) the claimed program element for determining an appropriate time is contained within the route computer and arithmetic control (No. 20) that determines when the instruction should be given, and 3) the claimed program element coupled to a projector is contained within the hardware of the display unit (No. 28) that displays messages at the appropriate time. However, this message is not displayed on the windshield of the car at the appropriate time.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 1 above.

For claim 21, the system of **Yokoyama** determines the message to display based on the upcoming turn and the direction to take thereby. Also, the system determines based on distance prior to the location of the turn for the driving instruction to be both displayed and announced on the audible system.

For claim 22, one determining system to locate the car in the system of **Yokoyama** is a GPS receiver (No. 14).

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For claim 23, the GPS system of **Yokoyama** receives its instructions from a remote source.

For claim 24, the system of **Yokoyama** includes a route guiding unit (No. 26) located in the arithmetic control (No. 20) that provides the navigation to the system.

For claim 25, the service for providing information to the driver of a vehicle taught by **Yokoyama** includes the following claimed subject matter, as noted, 1) the claimed receiving at least one desired destination is achieved using the map information storage (No. 10) having destinations that are input by the driver to drive to, said information storage also 2) determining a route along with the arithmetic control (No. 20) with route computer (No. 22) to reach the destination including at least one intersection to be traveled, 3) the claimed determining the location of the vehicle is achieved using the current position detector (No. 12) that determines when the vehicle is reaching an upcoming turn and providing a message through the display unit (No. 28) and the speakers (No. 34). However, the message is not displayed on the windshield when the vehicle is approaching the one turn.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 1 above.

6. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yokoyama et al** in view of **Knoll et al** as applied to claim 1 above, and further in view of **Davis et al** [U.S. 5,177,685].

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For claim 7, the combination of references includes the claimed subject matter as discussed in the rejection of claim 1 above. However, neither reference includes an indication that the driver did not make the desired driver action, whereby the driver receives an indication of the missing of the desired driver action after the action was missed.

The automobile navigation system using real time spoken driving instructions taught by **Davis** provides spoken instructions to the driver of an automobile to guide the driver along a route. This invention, called the "Back Seat Driver", contains a map database and route finding algorithm. A position sensor tracks the location of the automobile. Spoken instructions are then given well in advance of an upcoming turn to guide the driver to their destination. An important aspect of the system is to notify the driver that a mistake has been made (Col. 2, Lns. 50-53) and then finds a new route from the current location. The obvious advantage of this property is to prevent the driver from getting lost in an unfamiliar area.

All three references pertain to similar subject matter; that is, the navigation of vehicles using graphic and speech synthesis. The Yokoyama reference in particular stops its speech production when the driver has deviated from the set course. This system would greatly benefit from the self-correcting system of Davis. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a notification that a turn has been missed in the combination of reference above for the purpose of preventing the driver from getting lost in unfamiliar territory.

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For claim 17, the combination of references includes the claimed subject matter as discussed in the rejection of claim 11 above. However, neither reference includes an indication that the driver did not make the desired driver action, whereby the driver receives an indication of the missing of the desired driver action after the action was missed.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 7 above.

7. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yokoyama et al** in view of **Knoll et al** as applied to claim 1 above, and further in view of **Ohmura et al** [U.S. 6,208,932].

For claims 8-10, the combination of references includes the claimed subject matter as disclosed in the rejection of claim 1 above. However, there is no wireless receiver which receives broadcast traffic information, weather information, or advertising information.

To access this information in a navigation apparatus is not new in the prior art. The navigation apparatus taught by **Ohmura** provides a driver with necessary information without offering an excessive amount of information. This is achieved by setting priority to different types of information to be received. As seen in Figures 3B and 6 of the invention, a myriad of information types can be accessed by the apparatus. The information handled by this system is provided by Vehicle Information Control System, audio equipment, radio, on-vehicle telephone,

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tele-text broadcasting and the like. The type of information presented can be urgent information, traffic, weather, sports, news, and music titles.

The Ohmura reference is plain evidence that a myriad of information can and has been received in conjunction with navigation apparatus. The primary references, especially **Yokoyama**, present ideal platforms onto which different receivers may be installed to receive different types of information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include receivers to access information pertaining to traffic, weather, and advertising in the navigation apparatus for the purpose of presenting pertinent information that may help the driver easier determine the route that should be taken.

8. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Yokoyama et al** in view of **Knoll et al** as applied to claim 11 above, and further in view of **Trovato et al** [U.S. 5,835,881].

For claim 16, the method taught by the combination of references above includes the claimed subject matter as discussed in the rejection of claim 11 above. However, the method does not provide an indication of a desired action a predetermined time period in advance of the desired action.

The portable system for providing voice driving directions taught by **Trovato** determines a range based on both distance and time from the current position to a position at which the instructions should be spoken. The time period accounts for the amount of time required to speak

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the instructions, for the reaction time of the driver at the speed that the system is moving in the vehicle and for an error in position associated with GPS systems. The obvious advantage of this system is to provide real time instructions that are given to a driver well in advance of the upcoming turn thereby reducing driver error.

All three references pertain to similar subject matter; that is, vehicle navigation systems. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide information of a desired action a predetermined time period in advance of the turn for the purpose of reducing driver error.

For claim 18, the predetermined relationship of **Trovato** is estimated time to a desired location.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Furukawa [U.S. 5,051,735] teaches a heads-up display system for a road vehicle.

Daidoji [U.S. 5,198,797] is a heads up display for a vehicle.

Konishi et al [U.S. 5,774,071] adjusts the vocal warning given based on distances between subsequent intersections.

Morimoto et al [U.S. 6,018,697] uses image recognition to supply driving instructions.

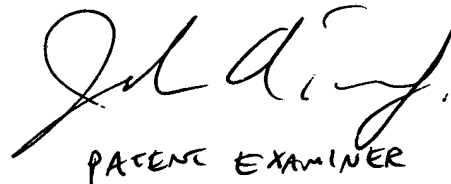
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10. Any inquiry concerning this communication should be directed to Examiner John Tweel at telephone number (703) 308 7826. The examiner can normally be reached on Monday-Friday, 9:30a-6:00p.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on (703) 305 4717. The fax phone number for this group is (703) 308 6743.

John Tweel

May 6, 2001



PATENT EXAMINER